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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,429	10/28/2003		David Mathieu	2185.004USU	9460
56080	7590	01/09/2006		EXAMINER	
WHYTE H	IRSCHI	BOECK DUDEK S.	HAMILTON, ISAAC N		
ONE EAST	MAIN S	TREET		ARTIRUT	DARED MUNICIPAL
SUITE 300			ART UNIT	PAPER NUMBER	
MADISON, WI 53703-3300				3724	
				DATE MAIL ED. 01/00/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		$\boldsymbol{\mathcal{U}}$					
	Application No.	Applicant(s)					
Office Action Commons	10/695,429	MATHIEU ET AL.					
Office Action Summary	Examiner	Art Unit					
	Isaac N. Hamilton	3724					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
 Responsive to communication(s) filed on <u>27 October 2005</u>. This action is FINAL. 2b) ☐ This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213. 							
Disposition of Claims							
4) ☐ Claim(s) 1-32,37 and 38 is/are pending in the a 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-32, 37 and 38 are subject to restrict	vn from consideration.						
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa						

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DETAILED ACTION

After further review of the instant application, the Examiner was misdirected by "biasing member" in line 5 of claim 1. According to the specification and the drawings, this element should be "biasing element". In light of the applicant's misleading claims, a new restriction requirement is set forth below.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, drawn to a rotary trimmer with a biasing member, classified in class83, subclass 564.
- II. Claims 19-27 are drawn to a rotary trimmer with an actuator and a connecting element, classified in class 30, subclass 162.
- III. Claims 28-32, 37 and 38 are drawn to a connecting element, classified in class 83, subclass 698.11.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as supplying a force to the blade carriage. Invention II has separate utility such as slidingly positioning a cutting blade along a linear path. Invention III has separate utility such as selectively and operatively connecting the blade carriage and the rail. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Species in figure 1.
- II. Species in figures 2 and 3.
- III. Species in figures 4 and 5.
- IV. Species in figure 6.
- V. Species in figure 7.
- VI. Species in figures 8 and 9.
- VII. Species in figure 10.
- VIII. Species in figures 11 and 12.
- IX. Species in figures 13 and 14.
- X. Species in figures 15 and 16.
- XI. Species in figure 17.
- XII. Species in figure 18.
- XIII. Species in figure 19.
- XIV. Species in figure 20.
- XV. Species in figure 21.
- XVI. Species in figure 22.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 3, 2006

Timothy V. Eley Primary Examiner